

REMARKS

In the Office Action mailed June 18, 2009 the Office noted that claims 21-29 were pending and rejected claims 21-29. Claim 23 has been amended, no claims have been canceled, and, thus, in view of the foregoing claims 21-29 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

REJECTIONS under 35 U.S.C. § 112

Claim 23 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular the Office asserts the claim has an antecedent basis issue.

The Applicant has amended the claims to overcome the rejection.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 11, 12, 14-19, 21, 22 and 24-29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Boies, U.S. Patent Publication No. 2002/0082878 in view of Martinez, U.S. Patent Publication No. 2002/0052797 in view of Walker, U.S. Patent No. 6,112,185. The Applicants respectfully disagree and traverse the

rejection with an amendment and argument.

Boies discusses a method for the allocation of seats comprising the use of data relative to customer seating preferences. It also comprises the steps of: fulfilling at least partially the preferences of the customer, guaranteeing these preferences while assigning a flexible seat, re-assigning the customer, if necessary, while preserving the preferences.

Martinez discusses a method to determine whether a product or a service satisfies preferences established by a party.

Walker discusses a method for processing upgrade offers.

On pages 3 and 4 of the Office Action, it is asserted that Boies ¶¶ 0038 and 0046 discloses "determination by a processor **of a satisfaction value** of the customers for each seat as a function of agreement with the placement criteria ... **assignment of seats to all the customers by allocation with** an allocation server, to each customer, by decreasing order of ~~level~~ of priority, of the available seat **having the maximum satisfaction value.**," (Emphasis added) as in claim 21.

However, nowhere in Boise is there discussed determination of a satisfaction value or the allocation of a seat based on it.

Boies ¶ 0046 discusses either satisfying all or some requirements. However when it cannot satisfy all the

requirements Boies ¶ 0046 states

If, however, the central controller 100 cannot accommodate all elements of the request, either because the guaranteed seating requests prevent it, or because the airline has chosen to accommodate only a certain number of elements of a request, then the central controller 100 **determines if some elements of the request can be satisfied** (step 525). **If some elements can be satisfied, the passenger 120 is notified of which elements of the request can be accommodated in step 535.** If it is determined in step 540 that the **passenger 120 is satisfied**, then the central controller 100 records the elements of the request that have been accommodated as well as the **"flexible" seat assignment** in fields 460 and 465 of the reservation database 250, respectively (step 545) [Emphasis added]

Thus, asking the customer to override the requirements, not summing a satisfaction **value** based on the numbers that are met. Then, allocating seats based on that satisfaction **value**. In Boises there simply is no satisfaction value. It either meets all the requirements or asks the client to override. Further, Boises ¶ 0045 does disclose re-assigning seats; however it does not do so based on a satisfaction value. The Office does not assert and the Applicants have not found that Walker or Martinez or combination of the references teach such a feature.

In the *Response to Arguments*, the Office asserts that "Boies teaches allocating all customers, not just one individual, and performing the allocation procedure each time for subsequent requests (¶0028)."

However, Boies ¶ 0028 states

As discussed in further detail below in connection with FIGS. 5 and 6, the central controller 100 determines whether **the passenger's request can be accommodated** based on earlier passenger requests that have already

been guaranteed for a category of seating. As subsequent requests are received, **the central controller 100 reassigns passengers to different seats that satisfy their seating requests and satisfy the incoming requests.** Therefore, once the passenger is guaranteed a seating category, the passenger is assigned to a "flexible" seat assignment which can be reassigned to accommodate additional requests.

The cited paragraph only discusses the reassignment of some seats based on the incoming requests. It does not discuss the allocation of all the seats as required by the claims. It further does not perform the allocation of all the seat assignments because it is not comparing a satisfaction value. Boies only allocates the seats for those with flexible seating assignments.

For at least the reasons discussed above, Boies, Martinez and Walker, taken separately or in combination, fail to render obvious the features of claims 21 and the claims dependent therefrom.

Withdrawal of the rejection is respectfully requested.

#### SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 103. It is also submitted that claims 21-29 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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